

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer
Geoffrey C. Jarvis
Deborah Elman
Caitlin Moyna
485 Lexington Avenue, 29th Floor
New York, New York 10017
Telephone: (646) 722-8500
Facsimile: (646) 722 8501

SAIBER LLC
Jeffrey W. Lorell
Marc E. Wolin
18 Columbia Turnpike, Suite 200
Florham Park, New Jersey 07932-2266
Telephone: (973) 622-3333
Facsimile: (973) 622-3349

KESSLER TOPAZ MELTZER
& CHECK, LLP
David Kessler
Stuart L. Berman
280 King of Prussia Road
Radnor, Pennsylvania 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC.
SECURITIES, DERIVATIVE &
“ERISA” LITIGATION

: MDL No. 1658 (SRC)
:
: Civil Action No. 05-02367 (SRC)(CLW)
:
:

THIS DOCUMENT RELATES TO:
THE AFA LIVFÖRSÄKRINGSAKTIEBOLAG
ACTION, CIVIL ACTION No. 2:07-4024
(SRC) (CLW)

NOTICE OF MOTION

:
:
:
:
:
:
:

To: All persons on ECF service list

COUNSEL:

PLEASE TAKE NOTICE that on April 15, 2013 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned counsel for Plaintiffs AFA

Livförsäkringsaktiebolag; AFA Trygghetsförsäkringsaktiebolag; AFA Sjukförsäkringsaktiebolag on its own behalf and on behalf of Kollektivavtalsstiftelsen Trygghetsfonden TSL; Alecta Pensionsförsäkring, Ömsesidigt; Fjärde AP-Fonden; Sjunde AP-Fonden; Danske Invest Administration A/S; Swedbank Robur AB; AMF Pension Fondförvaltning AB; Arbetsmarknadsförsäkringar Pensionsförsäkringsaktiebolag; Skandinaviska Enskilda Banken AB on its own behalf and on behalf of SEB Investment Management AB, SEB Asset Management S.A., and Gamla Livförsäkringsaktiebolag SEB Trygg Liv (collectively, "Plaintiffs"), shall move this Court before the Hon. Stanley R. Chesler, United States District Judge, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, pursuant to Fed. R. Civ. P. 15 and 17, and the Court's December 14, 2012 Scheduling Order (Dkt. No. 451), for entry of an Order granting Plaintiffs' leave to file a Second Amended Complaint.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, pursuant to Local Civil Rule 7.1(d)(4), Plaintiffs rely upon the attached Statement in Lieu of Brief and exhibits thereto.

PLEASE TAKE FURTHER NOTICE that accompanying this motion is a [Proposed] Order granting Plaintiffs leave to file a clean copy of the [Proposed] Second Amended Complaint submitted in redline form herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 78.1(b), the undersigned hereby requests oral argument in the event that timely opposition papers are filed.

Dated: March 15, 2013

KESSLER TOPAZ MELTZER
& CHECK, LLP
Counsel for Plaintiffs

By: /s/ Stuart L. Berman
STUART L. BERMAN

SAIBER LLC
Jeffrey W. Lorell
Marc E. Wolin
18 Columbia Turnpike, Suite 200
Florham Park, New Jersey 07932-2266
Telephone: (973) 622-3333
Facsimile: (973) 622-3349

Liaison Counsel for Plaintiffs

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer
Geoffrey C. Jarvis
Deborah Elman
Caitlin Moyna
485 Lexington Avenue, 29th Floor
New York, New York 10017
Telephone: (646) 722-8500
Facsimile: (646) 722 8501

Counsel for Plaintiffs